

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Case No. _____

3:18CV1939
(to be filled in by the Clerk's Office)Jordan DONGAIA

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

O. Smith

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILED
SCRANTON

OCT 05 2018

PER _____

DEPUTY CLERK

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Jordan DONGARRA
 All other names by which
 you have been known: _____
 ID Number 60707-060
 Current Institution U.S.P. CAJALAN
 Address P.O. Box 300
WAYMART PA 18472
 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name D. Smith
 Job or Title (*if known*) officer
 Shield Number ?
 Employer ?
 Address ?

 City State Zip Code
☐ Individual capacity ☐ Official capacity

Defendant No. 2

Name S.I.S Worker
 Job or Title (*if known*) _____
 Shield Number ON CAMERA
 Employer _____
 Address _____

 City State Zip Code
☐ Individual capacity ☐ Official capacity

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Defendant No. 3

Name

S. I. S Worker

Job or Title (if known)

Shield Number

on camera

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

(8th Amendment) "Due process Right's" Life, Liberty, Death

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

8th Amendment Due process Right Life, Liberty, Death

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Threatening A Inmates Life To the highest Degree

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☒ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

D. Smith Threatening inmate 60707-060 DUNGARRA'S Life

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

ON ARRIVAL OF U.S.P CANANN 8-10-18 1pm Video SURVILLANCE
(Life threatening) (Internet INMATE locator) (I.D.) (Proff)

C. What date and approximate time did the events giving rise to your claim(s) occur?

8-10-18 Complaint

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

everyone that came with me "multiple witnesses"

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

mental Health, starvation, weight loss, nervous, panic attacks, loss of sleep

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Have A Hearing with MR. smith AND A jury to decide
What to do MR. smith Loose his Job AND make sure
this NEVER happens to Anybody else. Punitive DAMAGES

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

U.S.P CANAAN po Box 300 WAYMART P.A. 18472

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

This claim, I filed A BP 9 Through the Institution on my arrival 8/10/18 The date of incident. Never Got A Response so ~~fourteen~~ days later I filed this BP 10 with

Grand prairie Tx The submit to the Region on 9/17/18 All I've Got from the prison is Rude staff And Bad looks While my legal mail is Being Read And, I am Being talked about And being Laught At While I wait For Someone to Jump on me stab me, Jump me Beat me for FALSE ALUZZATION MR. Smith has created

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

Bp 9 NO ANSWER SO I Filed
Bp 10 ("I Even Sent to Grand Prairie tx first to")
let them know what's happenig they send to Region!!
Following All Procedures

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

Just were it's happened as my Attorney Requested.

- E. If you did file a grievance:

1. Where did you file the grievance?

yes Bp 9 And Bp 10

2. What did you claim in your grievance?

It's AN Attachment

3. What was the result, if any?

There WAS NEVER A ANSWER From the prison

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I AM Done Filing the SAME Request over and over
It's NOT ONLY NERVE RACKING AND EMBARRASING FOR FALSE
ACCUZATION'S AGAINST me

I AM ALSO IN A R-DAP PROGRAM AND I JUST
WANT this to end I've Filed Bp 9 Bp 10 NOW
this in the COURT this is A SERIOUS MATTER
Like threatening.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Bp 9 Bp 10 were Both Filed

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

MR. D Smith And S.I.S staff the time of incident

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

They have all been exhausted, "Now I seek legal help from prison"
(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

9/29/18

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

[Signature]
JORDAN DONGARRA60707-060P.O. Box 300WAYMART

City

P.A.

State

18472

Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Jordan Dongarra,
Plaintiff

v.

D. Smith
Defendant

ENClosing

- # 1. Complaint
- # 2. Summons
- # 3. Motion for appointment of counsel
- # 4. Declaration
- # 5. Death & injury tort claim.
- # 6. Memorandum of law In support of complaint

OK ① Mail Complaint off, with #3, 4, 6,

Mail #5 Death & injury to the North east regional office

Don't mail #2. Sumons off into the court gives
you a civil case # it shouldn't take long 2 weeks
after you mail the Complaint off to court.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Jordan Gongarra,
Plaintiff

V.

D. Smith,
Defendant

Complaint

Civil Action No. _____

I. JURISDICTION & VENUE

- ① This is a civil action authorized by 42 U.S.C. section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. section 1331 and 1343 (a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rule of civil procedure.
- ② The middle district of Pennsylvania is the appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

II. PLAINTIFF

- ③ Plaintiff, Jordan Gongarra, is and was at all times mentioned herein a prisoner of the state of Pennsylvania in the custody of the Pennsylvania Department of Corrections. He is currently confined in U.S.P. Canaan, in Waymart, PA.

III. DEFENDANT

- ④ Defendant, D. Smith is a correctional officer of the Pennsylvania Department of Corrections who, at all times mentioned in this complaint, held the rank of R in D., and was assigned to Canaan Penitentiary.
- RAD

⑤ The defendant is sued individually, and in his official capacity. At all times mentioned in this complaint ~~each~~ the defendant acted under the color of state law.

III. FACTS

- ⑥ On 8-10-18 I arrived at U.S.P. Canaan at ~~12:10pm~~ or around 12:10 to 1:00pm. I was in the Prison's R.in D. for processing, that's when I was given a T-shirt from ~~an~~ officer D. Smith which was different from all the other inmates that was in R.in D. with me getting processed. All the other inmates had the same T-shirt but the Plaintiff, Jordan Dongarra.
- ⑦ I was given a Sex offender T-shirt which also had Terrihut on it which is a sex offender prison for child molesters, rapist, and were other sexual assault crimes inmates go, the officer D. Smith even gave me my I.D. card ~~with a~~ ~~an~~ ~~it~~ ~~which~~ ~~stands~~ ~~for~~ Register offender so all the inmates would think I'm a Sex offender.
- ⑧ After fully being processed I asked the officer for a different T-shirt, and I.D. Card, and explained to him why, and how serious this situation can get that he put me in. I told officer D. Smith You gave me a Sex offender T-shirt, and not only that a Sex offender I.D. Card. I'm a white inmate the white race of inmates have a Zero tolerance period for Sex offenders, and for who ~~ever~~ ever comes from Terrihut prison, and I ~~never~~ came from Terrihut prison, and I'm not a sex offender.
- ⑨ Plaintiff, simply explained he could be killed for this simple mistake of being mistaken for a child molester or just a plain sex offender period.
- ⑩ After I explained everything to officer D. Smith of his negligence

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officer D. Smith simply smiled, and said "I don't give a shit, I hope you know how to fight or make, and use a knife."

(11) After I became aware that officer D. Smith was fully aware of what he was doing, and the future danger he could cause my life to be taken. I tried to ask the other ^{S.I.} staff in R.I.D. to help me with this problem. The other staff asked D. Smith to get me another T-shirt but he refused.

(12) So I was sent to population with some explaining to do to ~~other~~ ^{other} inmates it had gotten to a point I avoided going to Breakfast, lunch, and dinner because at that point I didn't know who did or didn't believe me. I didn't go to recreation either.

(13) On 9-4-18 I attempted to exhaust my remedies I never gotten no responses back to my knowledge my mail was being thrown away as retaliation for reaching out for help for staff putting my life in danger for their own personal entertainment. So I filed a complaint with Grand Juror for

(14) All incidents that happen concerning officer D. Smith is on camera. Specifically the R.I.D. camera were threw investigation what I state is (fact) I was given a Sex offender T-shirt, and Sex offender I.D. card which I still have the I.D. card as evidence.

(15) I the Plaintiff have suffered an enormous amount of pain physically, and mentally do to my rights being violated by C.O. D. Smith I have starved myself to avoid inmates, and the prison staff which cause me a great amount of weight loss, and this incident has made me weak with lack of strength do to avoiding recreation, to exercise which made it for me hard to focus on my thoughts.

(16) After weeks past to my knowledge staff realized or thought I was not going to be harmed they gave me a new shirt as well as a new I.D. card which didn't have no Sex offender classification on it.

IV. EXHAUSTION OF LEGAL REMEDIES

17. Plaintiff, Jordon Dongarra used the prisoner grievance procedure available at U.S.P. Canaan to try, and solve the problem. On 9-4-18 Plaintiff Jordon Dongarra presented the facts relating to this complaint. Plaintiff Jordon Dongarra never received a response on none of the multiple times Plaintiff tried to exhaust on all BOP grievance levels. This is why my BP-10 is on PAPER NOT A FORM STAFF HAS EXPERIENCED Grand prairy to A knowledge and ARE NONE COMPLIANT to MR. DONGARRA

V. LEGAL CLAIMS

18. Plaintiff reallege and incorporate by reference Paragraph 17. Under Ross v. Blake, 136 S.Ct. 1850, 1859, 195 L. Ed. 2d 117 (2016). Those situations are; 1) when the procedure "operates as a simple dead end - with officer unable or consistently unwilling to provide any relief to aggrieved inmates;" 2) when "prison administrators thwart inmates from taking advantage of a grievance process through machination, misrepresentation or intimidation." Id. at 1859-60.
19. In this particular case, Plaintiff claims that he feared reprisals, and retaliation appear to fall within the third situation supporting his argument that the grievance process was not available to him. However, he has ~~not~~, as previously noted, alleged any particular action by any of the defendants to support this claim. Also as noted above, he continued to file grievances. Therefore, the court finds that the exceptions to the PLRA grievance mandate do not apply in this situation, and that Plaintiff didn't exhaust his administrative remedies with respect to his claims against defendant D. Smith,
20. Plaintiff reallege, and incorporate by reference Paragraphs 8-11 defendant D. Smith acted with deliberate indifference, and failure to act which violated my 8th amendment right.

- (21) defendant D. Smith had full control over the incident he created, and was fully alerted and educated by the plaintiff of future harm that would be cause See Paragraphs - 8-11 which is clear to a layperson he violated my 8th amendment rights.
- (22) The defendant should be held liable for their failure to act if it causes a constitutional violation. See Smith V. Ross, 482 F.2d 33,36 (6th Cir. 1978); Alexander V. Perrill, 916 F.2d 1392, 1395 (9th Cir. 1990) Prison officials "can't just sit on your duff and not do anything" to prevent violations of rights).
- (23) Defendant D. Smith violated my 8th amendment right this was "Attempted premeditated murder" especially after I explained to D. Smith what problem he would be causing me.
- (24) The plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendant unless this court grants the declaratory and injunctive relief which plaintiff seeks.

VI. PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully prays that this court enter judgement granting plaintiff:

- (25) A declaration that the acts and omissions described herein violated plaintiff's rights under the constitution and laws of the United States.
- (26) A preliminary and permanent injunction ordering defendant D. Smith to be fired from Job.

- (27.) Compensatory damages in the amount of \$150,000.00 against defendants, jointly and severally.
- (28.) Punitive damages in the amount of \$250,000.00 against defendants.
- (29.) A Jury trial on all issues triable by jury.
- (30.) Plaintiff's costs in this suit.
- (31.) Any additional relief this court deems just, proper, and equitable.

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Waymart, PA on 9/29/18
Date

~~Respectfully Submitted,~~

Respectfully Submitted,
Gordon DonGarra

Gordon DonGarra

U.S.P. Canaan

P.O. Box 300

Waymart, PA 18472

Dated 9/29/18

Jordan Domingarra

Reg. No. 60707-060

USP-Canaan

**SPECIAL MAIL - OPEN ONLY IN THE
PRESENCE OF THE INMATE**

P.O. Box 200

Waymart, PA 18472

Bp - 10

DATE RECEIVED
FEDERAL BUREAU OF PRISONS
REGIONAL COUNSEL OFFICE

SEP 17 2018

8/24/18

Jordan Louis DONGARRA
60707-060

Complaint

NERO-PHILADELPHIA

ON AUGUST 10th I MR. DONGARRA was transported From F.C.I Raybrook NY to U.S.P CANAAN P.A. for R-DAP. Upon my Arrival there was the said named officer D. Smith had striped and clothed me. MR. Smith thought it would be funny, To give me a T-shirt that stated tarehut INDIANA witch is a Drop out yard and a sex offender yard. Witch I had asked MR. Smith for another "T-shirt" Also S.I.s when they did the Intial Interview me. Upon my Arrival But MR. Smith Refused to give me a different shirt. He also gave me a paper I.D. witch I used for 3 weeks until my Real I.D. was issued. Well MR. Smith had also Issued my I.D card Here at U.S.P CANAAN You Have to SCAN your I.D. card to enter or leave any Unit or eat chow.

Well there's a code that was programmed into my I.D. card R O F witch prevents me from eating meals Because this stands for "Registered" "Offender" witch MR. Smith finds so Amusing why he has choose me to be a target or try to get me killed. From Day one 8/10/18 Around 12pm 1:30 when I was processed in to U.S.P CANAAN P.A. witch the CAMERAS Prove all these Alligations on the said Date and times.

Clearly someone needs to address MR. Smith Working in A federal Facilities. That not only is this wrong it also threaten's A Person's Life As I'm sure he knows.

Not only Should MR. Smith Be Fired But Also Charges pressed against MR. Smith or the B.D.P for Hiling A Boy that clearly has A MAN'S Job And threatening the Inmates Life.

I am only Guessing this could be Why and officer WAS killed IN 2016 in U.S-P CANANN For Stunt's

Like these. Not only Does MR. Smith threaten's A Inmates Life But clearly this could spin 360 Degrees And MR Smith Be IN DANGER Also the STAFF Around him.

I've been over this in my Head thousands of times Why Would the Federal Government Hire A person that Would cause so much Confusion to a government Job And IN DANGER Inmates And STAFF's lives.

Clearly MR. Smith Doesn't Have what it takes to fill A man's Shoe's And be Responsible to Do his Job correctly to Support himself or His Family. Not only does He ~~not~~ take his Job for granted, but Separides Not only his Life But everyone Around Him.

Now The Remedy For MR D. Smith Action's Would be up to the Federal Government Bureo of Prisoners

But As Far As MR. DONGARRA's CONCERN knowing he's Not A sex offender or has ever been to "faretot prison" And the World that Google's MR. DONGARRA # 60707-060 Know A picture of MR DONGARRA with a know sex offender T-Shirt and Also his I.D. CARD that pervents this Inmate's From leaving the Unit going to chow or fearing for His Life everydny AS MR D. Smith Has Attempted "Aggravated Murder"

IN A Federal Prison U.S.P exspecially A sex offender is Due to Be Stabbed to Death kicked or stomped to Death AND MR Smith HAS choose not only in Giving MR DONGARRA the Shirt But to proceed with the I.D. "RoF" every time it's scanned MR. D Smith has planed this crime And thought About this more than once And This Type of Behavior is not permitted working For the Federal Government endarging Many Lives This Complaint Should be Filed in Grand Perry Texas.

This Bp-18 / Complaint Doe's HAVE to Go through U.S.P CANADA's MAIL Room. so If this Complaint Doe'st make it to it's Destination

the officer that is running the Room on 9-2-18 or 9-3-18 When this passes through the mail Room His or Her Job would Also be in Jeopardy.

This Complaint was sent to Attorney office first a week prior the Attorney has advised MR. DONGARRA to file this complaint.

And IF Grand PERRY Texas Doesn't Receive this Complaint by 9-8-18 this known Attorney will contact Grand Perry Texas to Advise What's going on in U.S.P CANAAN

IF this man enjoys prisoners lifestyles so much And wants to politic MAYBE the color Uniform Blue should become Brown as well as the Rest of these inmates AS MR D. Smith has caused serious crime threatening the Life of A ~~INNOCENT~~ ^{INNOCENT} MAN. That is clearly not a sex offender IN Any with way shape or form

AS MR. DONGARRA #60707-060 waits for the Response for this.. Bp-10 / Complaint is being filed on paper not to attract any Unneeded Attention. AS His Attorney has advised Him to proceed in this manner also His Attorney is awaiting upon this Response Please make a copy And mail BACK original too MR. DONGARRA 6315 18th St East Ellenton FL 34222 To Whom this may concern IN Grand. Perry TEXAS

Certificate of Service
8/24/2018

Being mailed on 9/3/18

C.C. Federal Bureau of Prison
South Central office
344 Marine Forces dr
GRAND Prairie, TX 75051

Jordan Soula DONGARRA

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: SEPTEMBER 20, 2018
ebd

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : JORDAN LOUIS DONGARRA, 60707-060
CANAAN USP UNT: D1-RDAP QTR: D01-124L
PO BOX 400
WAYMART, PA 18472

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 954194-R1 REGIONAL APPEAL
DATE RECEIVED : SEPTEMBER 17, 2018
SUBJECT 1 : UNPROFESSIONAL, INAPPROPRIATE CONDUCT OR MISCONDUCT BY STAFF
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: YOU MUST FIRST FILE A BP-9 REQUEST THROUGH THE INSTITUTION
FOR THE WARDEN'S REVIEW AND RESPONSE BEFORE FILING AN APPEAL
AT THIS LEVEL.

*Bp-9 was filed on the date of incident 8/10/18
And put in mail was never complied*

Further Action Bp - 10 Handwritten

*All Legal mail Being Read And confiscated Bp - 10
Proves what I've been going through from the arrival
date Also camera's on 8/10/18 Between 12:00 - 1:30pm*

of personal service by a professional process service or a marshal.

The summons and complaint are the only documents you have to serve on defendants in this special way. However, it is very important to request the Local Rules from the district you plan to file in because different courts have different rules about filing and serving documents after the case has started. Different courts require different numbers of copies. You should follow the local rules whenever possible. In general, you will need to send the original of each document and one copy for each defendant to the Clerk of the Court for the U.S. District Court for your district. Also include two extra copies – one for the judge and one for the clerk to endorse (showing when and where it was filed) and return to you as your official copy. The court will have a marshal deliver a copy to each defendant, unless you ask that someone else be appointed to deliver them.

Be sure to keep your own copy of everything you send the court, in case your papers are lost in the mail or misplaced in the clerk's office. If you cannot make photocopies, make copies by hand. If you are concerned about the safety of your documents, you might want to consider sending a copy of them to someone you trust on the outside. Try to always have a copy you can get access to easily.

SECTION E

Getting Immediate Help From the Court

Ordinarily a federal lawsuit goes on for months or years before the court reaches any decision. But you may need help from the court long before that. A U.S. District Court Judge has the power to order prison officials to stop doing certain things while the judge is considering your suit. The judge can do this by issuing a Temporary Restraining Order (TRO) or a Preliminary Injunction, or both.

Chapter Four, Section B explains when you are eligible for an injunction. If you decide to go ahead and try to get a preliminary injunction or a TRO, you will need to follow the instructions below.

If you think you meet all the tests for immediate help from the court, submit a "Temporary Restraining Order and Order to Show Cause for a Preliminary Injunction." You can do this in one motion and you can use this example:

In the United States District Court
For the _____

-----x
Name of first plaintiff _____

in the case, et al., _____

Plaintiffs, _____

JORDAN L DONGARRA _____

v. _____

D. Smith _____

Names of first defendant _____

in the case, et al., _____

Defendants _____

: ORDER TO SHOW
: CAUSE FOR AN
: PRELIMINARY
: INJUNCTION

: Civil Action No. _____

-----x

Upon the complaint, the supporting affidavits of plaintiffs, and the memorandum of law submitted herewith, it is:

ORDERED that defendants [names of defendants against who you are seeking a preliminary injunction] show cause in room _____ of the United States Courthouse, [address] on the 1 day of 29, 2018, at 4:00 o'clock, why a preliminary injunction should not issue pursuant to Rule 65(a) of the Federal Rules of Civil Procedure enjoining the defendants, their successors in office, agents and employees and all other persons acting in concert and participation with them, from [state the actions you want the permanent injunction to cover].

IT IS FURTHER ORDERED that the order to show cause, and all other papers attached to this application, be served on the aforesaid Plaintiffs by [date].

[Leave blank for the Judge's signature]

Dated: [leave blank]

United States District Judge

Explanation of Form:

If you want a TRO, include the parts of this form that are [redacted]. If you do not want a TRO and are only asking for a preliminary injunction leave the darker parts out.

prison account statement, include in your Declaration an explanation of why you could not get the account statement.

Again, only use the example Declaration below if you cannot get the Declaration form required by your district court clerk's office. If you have to use this Declaration, copy it exactly, and fill in your answers, taking as much space as you need.

Note that this is only the Declaration that you send along with your Application to Proceed in Forma Pauperis, it is not the actual Application, which you need to request from your district court.

In Forma Pauperis Declaration:

IN THE UNITED STATES
DISTRICT COURT FOR THE

Name of the first
plaintiff, et al.,

Plaintiff,

Jordan DONGARRA

v.

Name of the first
Defendant, et al.

Defendants

O. Smith

DECLARATION
IN SUPPORT OF
MOTION TO
PROCEED IN
FORMA
PAUPERIS

Civil Action No.

I, JK. DONGARRA, am the petitioner / plaintiff in the above entitled case. In support of my motion to proceed without being required to prepay fees or costs or give security therefore, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore, and that I believe I am entitled to redress.

I declare that the responses which I have made below are true.

If you are presently employed, state the amount of your salary wage per month, and give the name and address of your employer N/A

If you are not presently employed state the date of last employment and amount of salary per month that you received and how long the employment lasted. N/A

Have you received, within the past twelve months, any money from any of the following sources: Yes
Business, profession or form of self-employment?

YES NO /

Rent payments, interest or dividends?

YES NO /

c. Pensions, annuities, or life insurance payments?

YES NO /

d. Gifts or inheritances?

YES NO /

e. Any form of public assistance?

YES NO /

f. Any other sources?

YES NO /

If the answer to any of questions (a) through (f) is yes, describe each source of money and state the amount received from each during the past months _____

4. Do you have any cash or money in a checking or savings account? N/A. If the answer is yes, state the total value owned. 0

5. Do you own any real estate, stock, bonds, notes, automobiles, or other valuable property (including ordinary household furnishings and clothing)? N/A. If the answer is yes, state the total value owned. _____

6. List the person(s) who are dependent on you for support, state your relationship to those person(s), and indicate how much you contribute toward their support at the present time. NONE

7. If you live in a rented apartment or other rented building, state how much you pay each month for rent. Do not include rent contributed by other people. N/A

8. State any special financial circumstances which the court should consider in this application. N/A

I understand that a false statement or answer to any questions in this declaration will subject me to the penalties of perjury.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 9 day of 29, 2018

Jordan Dongarra
(your signature)

03/30/81
Date of Birth

277-78-3593
Social Security Number

Explanation of Form:

In Part A, you can use a slightly shortened version of the caption you used for your complaint. You only need to list the first plaintiff and defendant by name. The rest are included by the phrase "et al." which is Latin for

"and others." You only need to add "*et al.*" if there is more than one plaintiff or defendant. However, be aware that if there is more than one plaintiff in your lawsuit, each plaintiff needs to file his or her own Application to Proceed *in Forma Pauperis* and Declaration.

In Part [redacted], if you have never been employed, just say that. If you have a job in prison, state that.

In Part [redacted], you should include any money you have in a prison account.

Some of these questions may sound weird, or not apply to you -- Part [redacted] for example. However, answer them anyway. Like for question 7, just state that you do not live in an apartment.

Costs of Filing Your Lawsuit

Although the judge does not have to let you sue *in forma pauperis*, he or she almost always will if you show you are poor and your suit has a legal basis. You do not need to be absolutely broke. Even if you are given *in forma pauperis* status, you will still have to pay some money to the court.

Section 1915(b)(1) of Title 28 of the U.S. Code directs the judge to compare your monthly deposits and the average balance for your prison account. The judge will see which amount is larger -- your monthly deposits or your prison account's average balance. Then, the judge will decide that you must pay twenty percent (20%) of the larger amount right away. If twenty percent is less than \$350, then Section 1915(b)(2) states that you must pay twenty percent of the monthly deposits to your account until the \$350 is paid. If the court decides you are not poor or your suit is "frivolous," it will return your legal papers and you will have to find a way to pay the full amount.

There are lots of benefits to gaining *in forma pauperis* status. You may avoid having to pay witness fees for depositions and at trial. If you appeal, you may not have to pay the costs of preparing transcripts. In addition, some courts have used Section 1915 to appoint a lawyer to represent a prisoner in a Section 1983 suit and even to pay the lawyer's expenses. This is discussed in Part 3 of this section.

Unfortunately, *in forma pauperis* status affects only a very small part of the expense of your lawsuit. It will not pay for postage or for making photocopies, and it will not cover the costs of "pretrial discovery," which is discussed in Chapter Six, Part E. However, you may be

able to recover these expenses from the defendants if you win.

The Problem of Three Strikes:

The "three strikes provision" of the PLRA states:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C.A. § 1915(g). This provision means that if you have had three complaints or appeals dismissed as "frivolous," "malicious," or "failing to state a claim," you cannot proceed *in forma pauperis*. This means you will have to pay the entire filing fee up front, or your case will be dismissed. The only way to get around "three strikes" is to show you are in imminent danger of serious injury.

The PLRA is very specific about what dismissals count as strikes: these are dismissals for "frivolousness," "maliciousness," or "failure to state a claim." **Frivolous** means that the court believes your suit is not serious or has no chance of winning. In legal terms, the court believes that your case has "no legal merit." **Malicious** means that the court believes you are filing your suit only to get revenge or do harm to others, rather than uphold your rights. **Failure to state a claim** means that the court could not find any cause of action in your suit, which means that the facts you included in your complaint, even if true, do not amount to a violation of your rights.

A case dismissed on some other ground is not a strike. A summary judgment is not a strike. A "partial dismissal" -- an order that throws out some claims, but lets the rest of the case go forward -- is not a strike. A case that you voluntarily withdraw will usually not be considered a strike. A dismissal is not a strike if it is impossible to tell what the basis for the dismissal was. Dismissal in a *habeas corpus* action is not a strike.

Dismissals may be strikes even if you didn't have *in forma pauperis* status for the case. Cases filed or dismissed before the PLRA was enacted have also been

U.S. Department of Justice

Federal Bureau of Prisons

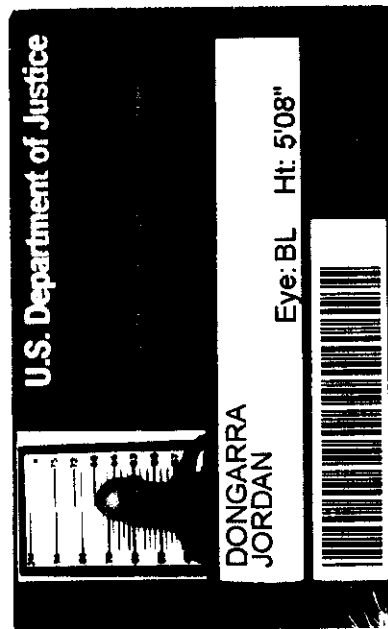
Northeast Regional Office

U.S. Custom House - 7th Floor

2nd and Chestnut Streets

Philadelphia, PA 19106

Official Business



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JORDON DONGARRA
60707-060
United States Penitentiary
U.S.P CANAAN
P.O. Box 300
WAYMART PA 18472



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